

FROMMER LAWRENCE & HAUG LLP

4660 La Jolla Village Drive, Suite 850
San Diego, California 92122
Telephone: (858) 731-5000
Facsimile: (858) 731-5001
E-mail: Firm@flhlaw.com

FACSIMILE COVER LETTER

To: United States Patent and Trademark Office
Examiner HYLTON, Robin Annette, Art Unit 3727

Firm: United States Patent and Trademark Office

Facsimile: 571-273-4540

From: Leonard J. Santisi

Date: July 20, 2005

Re: U.S. Serial No. 09/889,006

Number of Pages: 4
(Including cover page)

cc:

If you do not receive all pages or are unable to read the transmission, please call and ask for Leeanne Lawlor (Ext. 5025).

CONFIDENTIALITY NOTICE

The documents accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is legally protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this facsimile is strictly prohibited.

00285036

PATENT
4000004-2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants : W. Zoller et al.
 Serial No. : 09/889,006
 For : PACK
 Filed : July 6, 2001
 Examiner : Hylton, Robin Annette
 Art Unit : 3727

4660 La Jolla Village Drive
 Suite 850
 San Diego, CA 92122
 (858) 731-5000

COMMUNICATION

Via Facsimile

I hereby certify that this correspondence for Application No. 09/889,006
 is being facsimiled to the United States Patent and Trademark Office via
 fax number (571) 273-4540 on July 20, 2005.

Leanne Lawlor

(Typed or printed name of person signing this certificate)

Leanne Lawlor
 (Signature of person mailing paper or fac)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is in response to the telephone conference on July 19, 2005 between Examiner Hylton and the undersigned relating to the Order Returning Undocketed Appeal to Examiner of the captioned matter. The Board of Patent Appeals and Interferences has determined in their Order that the Information Disclosure Statement filed November 5, 2001 was not properly considered in accordance with the rules of MPEP § 609 and therefore has returned the appeal to the Examiner for further attention.

PATENT
4000004-2006

As requested by the Examiner from Applicant's attorney, transmitted herewith is a copy of the Form 1449 which was initialed by the Examiner and returned to Applicant with the Office Action dated December 20, 2002.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Appellants

By *Leonard J. Santisi*

Leonard J. Santisi
Reg. No. 24,135
(858) 731-5000